

Evaluation Statement

Proposed Classification: Criminal Investigator, GS-1811-13

PN: S000210

Organizational Title: Senior Special Agent

Location: U.S. Fish and Wildlife Service
Office of Law Enforcement

Reference: Job Family Positions Classification Standard for Administrative Work in the Inspection, Investigation, Enforcement, and Compliance Group, 1800, dated March 2009

Background: The Office of Law Enforcement's (OLE's) mission is to protect wildlife resources by investigating wildlife crimes, regulating wildlife trade, and helping others understand and comply with protection laws. OLE works in partnership with Federal, international, State, tribal, and local counterparts. Currently, a variety of new challenges and trends complicate this work. Population pressures, more accessible international travel and trade, frequent work with individuals with languages other than English, the proliferation of organized crime activity, and the threat of invasive species all impact the nature of the work and the skills required.

Work requires skill in using advanced technology, analytical skill to evaluate and interpret data, including human intelligence, and the ability to make risk assessments in order to focus inspections and investigations. OLE must expand partnerships, as well as increase the use of multi-agency and multi-function teams to accomplish high-risk, high-impact investigations.

The incumbent serves as a senior special agent and is an acknowledged expert of extremely complex and highly sensitive investigations and/or subject matter expert in one or more highly specialized functions such as (1) international cases; (2) negotiator in hostile situations; (3) treaties and laws and resulting investigations as Native American/tribal issues, CITES, Migratory Birds Treaty Act, Endangered Species Act, Lacey Act, etc. Assignments focus on high-impact law enforcement activities such as organizing and serving on teams comprised of a variety of experts. Such activities may include representatives from other agencies. The incumbent serves as an expert when testifying in court or administrative proceedings.

Series determination: The incumbent of this position plans and conducts investigation of alleged or suspected violations of Federal laws, rules, and/or regulations relative to the FWS. This work is comparable to that described in the Criminal Investigation Series, GS-1811. Positions in that Series involve planning, conducting, or managing investigations related to allege or suspected criminal violations of Federal laws. Positions in the GS-1811 series require, as does the subject position, knowledge of criminal investigative techniques, rules of criminal procedures, laws, and precedent court decisions concerning the admissibility of evidence, constitutional rights, search and seizure, and related issues in the conduct of investigations.

Title determination: The basic title for positions assigned to this series is Criminal Investigator. In summary, the appropriate title and series for this position is Criminal Investigator, with an organizational title of Senior Special Agent.

Grade determination: The Job Family position Classification Standard for Administrative Work in the Inspection, Investigation, Enforcement, and Compliance Group (the Standard) contains grade-level criteria for evaluating positions in the GS-1811 Series. The Standard is written in the Factor

Evaluation System (FES) format. Under the FES, positions are placed in grades on the basis of their duties, responsibilities, and the qualifications required as evaluated in terms of nine factors common to nonsupervisory positions in General Schedule (GS) occupations.

Factor 1, Knowledge Required by the Position, Level 1-8, 1550 points

This factor measures the nature and extent of information or facts that an employee must understand to do acceptable work (e.g., steps, procedures, practices, rules, policies, theories, principles, and concepts) and the nature and extent of the skills necessary to apply that knowledge.

This position exceeds Level 1-7, investigators must have knowledge of, and skill in applying, a wide range of complex investigative, inspection, compliance, and/or protection principles, concepts, and practices; criminal and case law precedents; administrative and legal procedures; legal jurisdictions; a broad range of advanced investigative techniques, research methodologies, and statistical and financial analyses; and business practices common to regulated entities and parties.

The knowledge requirements of the position meets the criteria for Level 1-8 where the investigator must have a mastery of, and skill in applying, fish and wildlife laws, rules, and regulations, including those dealing with import and export and search and seizure. This includes knowledge of complex wildlife statutes, treaties and laws and resulting investigations as related to Native American/tribal issues, CITES, Migratory Birds Treaty Act, Endangered Species Act, Lacey Act, etc., as well as violations of Federal laws that address smuggling, conspiracy, money laundering, and mail fraud. In addition, the incumbent must have a comprehensive knowledge of, and skill in applying, a wide range of complex investigative, inspection, compliance, and/or protection principles, concepts, and practices; criminal and case law precedents; administrative and legal procedures; legal jurisdictions; a broad range of advanced investigative techniques, research methodologies, and statistical and financial analyses; and business practices common to regulated entities and parties.

As the Senior Special Agent, the incumbent is assigned to and leads complex and highly sensitive investigations involving multiple Federal, State or other agencies and foreign governments. Successful resolutions of cases are often complicated by extensive and critical jurisdictional issues, the use of multi-agency task teams, and the number of organizations under investigations. Violations involve illegal trade and unlawful take, possession, and transport or sale of protected wildlife. Suspects include sophisticated smuggling rings dealing in protected species; businesses involved in wildlife import/export; collectors of exotic wildlife; commercial hunting guides and outfitters; land developers; and companies whose activities affect wildlife or wildlife habitat. Many cases involve the criminal networks that extend across multiple States or regions or international jurisdictions.

Factor 2, Supervisory Controls, Level 2-4, 450 points

This factor covers the nature and extent of controls exercised by the supervisor over the work performed the employee's responsibility, and the review of completed work.

At Level 2-4, the supervisor outlines overall objectives and available resources, discusses the projects and timeframes with the investigator, and determines the parameters of the employee's responsibilities. At this level, the investigator determines the avenues to pursue, decides the methods to apply and the approach to take, interprets policy and regulations and resolves conflict, coordinates cases across jurisdictional lines, and keeps the supervisor informed of progress and

potentially controversial matters. At Level 2-4, the supervisor does not normally review the methods used but reviews completed work for soundness of overall approach, effectiveness in producing results, feasibility of recommendations, and adherence to requirements.

This is an exact match for the supervision exercised over the subject position by the Resident Agent in Charge or other supervisory officials. The incumbent works with a greater degree of independence than at Level 2-3 where the supervisor provides more assistance when work is assigned, the employee can rely more on accepted policies and practices, and work is reviewed more closely, e.g., the appropriateness of the employee's approach. The employee does not work with the independence characteristic of Level 2-5 where the supervisor typically provides only general administrative direction for assignments in terms of broad program objectives and resources of the agency.

Factor 3, Guidelines, Level 3-4, 450 points

This factor cores the nature of guidelines and the judgment employees need to apply them. At Level 3-4, the investigator uses administrative policies and precedents that are applicable but stated in general terms. Guidelines for conducting new or innovative investigations or inspections are scarce or of limited use. The investigator uses initiative and resourcefulness in deviating from established methods to address specific issues or problems, identify and research trends and patterns, develop new methods and criteria, and/or propose new policies and practices.

This is comparable to the use of guidelines in this position. The Special Agent uses the laws, regulations, policies and procedures governing FWS which are applicable but stated in general terms. Guidelines for conducting new or innovative investigations are scarce or of limited use. The Special Agent uses initiative and resourcefulness in deviating from established to address specific issues or problems in complex investigations, identify and research trends and patterns, develop new methods and criteria, and/or propose new policies and practices for resolving complex investigations.

The use of guidelines exceeds Level 3-3 where guidelines for conducting investigations are available, although they may have gaps, and the employee is not required to develop new methods and criteria. The use of guidelines does not meet the criteria for Level 3-5 where guidelines are typically only broad policy statements and basic legislation that require extensive interpretations.

Factor 4, Complexity, Level 4-5, 325 points

This factor covers the nature, number, variety, and intricacy of tasks, steps, processes, or methods in the work performed; the difficulty in identifying what needs to be done; and the difficulty and originality involved in performing the work.

At Level 4-4 the work consists of developing, planning, and conducting investigations using a range of techniques such as physical surveillance; electronic surveillance; electronic or oral intercepts; undercover operations and purchases; and evaluating and disseminating intelligence gained during searches, seizures, interrogations, and arrests.

This position exceeds Level 4-4. At this level, the investigator selects the appropriate method to ensure proper custody and handling of evidence, exploit prominent defendants, and coordinates and handles jurisdictional issues pertaining to the timing and feasibility major joint investigations. This includes such methods as prolonged multi-jurisdictional surveillance, purchasing evidence, conducting coordinated searches, planning seizures and arrests while protecting the ongoing investigation, and identifying when the investigation requires expansion or culmination. The

investigator at this level exercised judgment in determining conflicting facts when subjects do not cooperate, have covert or subtle resistance, have explanations that are difficult to refute, and use obstructive tactics to obscure relevant facts.

This position meets the criteria for Level 4-5 where cases are characterized by such things as the existence of few or no precedents to follow; significant unresolved legal or regulatory issues; intense and widespread public, media, or congressional interest; and emerging and innovative methods and patterns of criminal activity.

As the Senior Special Agent, the incumbent is assigned to and leads complex and highly sensitive investigations involving multiple Federal, State or other agencies and foreign governments. Successful resolutions of cases are often complicated by extensive and critical jurisdictional issues, the use of multi-agency task teams, and the number of organizations under investigations. Violations involve illegal trade and unlawful take, possession, and transport or sale of protected wildlife. Suspects include sophisticated smuggling rings dealing in protected species; businesses involved in wildlife import/export; collectors of exotic wildlife; commercial hunting guides and outfitters; land developers; and companies whose activities affect wildlife or wildlife habitat. Many cases involve the criminal networks that extend across multiple States or regions or international jurisdictions.

A key element in the complexity of the work is the requirement to determine the nature and extent of interrelationships among activities and organizations investigated. Methods, techniques, and tools developed or modified by the incumbent are used for other investigations in similar areas and are shared with and adopted by other Regions and lower-level investigators.

Factor 5, Scope and Effect, Level 5-4, 225 points

This factor covers the relationships between the nature of work, i.e., the purpose, breadth, and depth of the assignment and the effect of work product or services within and outside the organization. Effect measures such things as whether the work output facilitates the work of others or provides timely services of a personal nature.

At Level 5-4, the work involves planning and conducting multi-agency, multi-State, or international investigations; developing operational criteria, plans, and bulletins; or investigating or analyzing a variety of unusual situations. Work at this level result in the disruption of large-scale organized illegal activity and/or results in changes to business practices.

This is comparable to the scope and effect of the subject position. The work involves ensuring compliance and criminal investigations are in compliance with laws, regulations, policies and procedures of the Service. The work impacts on a region, regions, and nationally and may have international implications. The work can have significant economic impact on related businesses and industries, nationally and internationally. The design and development of new investigative approaches and techniques may lead to breakthroughs in the field and improve effectiveness throughout the regions.

The work exceeds the scope and effect of Level 5-3 where cases typically involve conventional problems and situation and the application of known solutions. The position does not meet the criteria for Level 5-5 where the work may serve as the basis for changes in the direction of major agency initiatives or in long-standing agency practices.

Factors 6 and 7, Personal Contacts and Purpose of Contacts, Level-6/7-3c, 180 points

These factors include face-to-face and remote dialogue with persons not in the supervisory chain. The levels of these factors consider what is necessary to make the initial contact, the difficulty of communicating with those contacted, the setting in which the contact take place, and the nature of the discourse.

At Level 6-3, contacts are with individuals or groups from outside the agency in moderately unstructured settings, on a nonroutine basis. The extent of each contact is different. Typical contact at this level is with investigators from other agencies, district attorneys, witnesses, informants, and complainants.

This is comparable to the nature of contacts in this position. Personal contacts are with investigators from Federal, State and local investigative agencies; officials of Native American tribes, foreign governments, and private industry; witnesses; informants; complainants; and the general public. Through appropriate channels, the incumbent has frequent contact within the Department of Interior with the Office of the Solicitor and with the U.S. Attorney in the Department of Justice. Contacts are typically in an unstructured setting and on a nonroutine basis. The extent of each contact is different.

The nature of contacts exceeds Level 6-2 where contacts are usually made at the employee's work place. The nature of contacts does not meet the criteria for Level 3-4 where typical contacts are with Members of Congress, leading representatives of foreign governments, presidents of large national or international firms and organizations, State governors, or mayors of large cities.

At Level c the purpose of contacts is to influence, persuade, interrogate, or control people or groups. The people contacted may be fearful, skeptical, uncooperative, or dangerous. Therefore, the employee must be skillful in approaching the individual or group to obtain the desired effect, such as gaining compliance with established policies or gaining information by establishing rapport with a suspicious informant.

This is identical to the nature of contacts in this position. Contacts are for the purpose of planning, leading, and evaluating the most complex investigations including negotiating roles, coordinating evidence gathering, integrating all data, preparing definitive reports, and testifying at legal proceedings.

The purpose of contacts exceeds Level b where contacts are with individuals or groups who are working toward mutual goals and have basically cooperative attitudes. The nature of contacts in this position does not meet the criteria for Level d where contacts usually involve active participation in conferences, meeting, hearing, or presentations about problems or issues of considerable consequence or importance.

Factor 8, Physical Demands, Level 8-2, 20 points

This factor covers the requirements and physical demands placed on the employee by the work assignment. At Level 8-2, the work involves long periods of standing and recurring stooping and bending. The work can require frequent and recurring surveillance in which there is considerable amount of walking, stooping, bending, and climbing. The employee may be required to remain in one location for many hours without relief. The work may also include frequent lifting of moderately heavy objects such as luggage or boxes in cargo containers.

This is identical to the physical demands of the subject position. The work involves frequent and recurring surveillance in which there is considerable amount of walking, stooping, bending, and climbing. The Special Agent may be required to remain in one location for many hours without

relief. The work may also include frequent lifting of moderately heavy objects such as boxes in cargo containers.

The physical demands of the position exceed Level 8-1 where the work is mainly sedentary. The criteria for Level 8-3 are not met. At that level, employees must be prepared to protect themselves or others from physical attacks at any time without warning.

Factor 9, Work Environment, Level 9-2, 20 points

This factor considers the discomfort and risk of danger in the employee's physical surroundings and the safety precautions required. At Level 9-2, the work involves moderate risks and requires special safety precautions or protective clothing or gear. The work at this level involves exposure to moderate discomfort, high noise levels, dust, auto and aircraft exhaust adverse weather or areas with high crime rates.

Work is accomplished in both office and outdoor settings. There is regular and recurring exposure to moderate risks and discomforts such as adverse weather conditions and dusty or noisy environments. Surveillance work may include use of aircraft, boats and motorized vehicles. Incumbent is expected to reduce risk to self and other workers on assignment.

The physical demands of the position exceed Level 9-1 where the work is usually in an office setting. The work environment of the position does not meet the criteria for Level 9-3 where the work may involve such things as involvement in physical altercations or the use of lethal weapons while attempting to arrest suspects.

Summary:

Factor	Level	Points
1. Knowledge Required by the Position	1-8	1550
2. Supervisory Controls	2-4	450
3. Guidelines	3-4	450
4. Complexity	4-5	325
5. Scope and Effect	5-4	225
6/7. Personal Contacts and Purpose of Contacts	6/7-3c	180
8. Physical Demands	8-2	20
9. Work Environment	9-2	20
Total		3220

The total points awarded are 3220. This falls within the range for GS-13 (3155-3600).

Conclusion: The appropriate classification for this position is Criminal Investigator, GS-1811-13, organizational title Senior Special Agent.

Position Designation of National Security and Public Trust Positions

Position Designation Record

Agency Department of the Interior/U.S. Fish and Wildlife Service

Position Title Criminal Investigator

Series and Grade/Pay Band GS-1811-13

Position Description Number S000201

Nature of the Position
<p>Critical-Sensitive- Positions with the potential to cause exceptionally grave damage to the national security, including:</p> <ul style="list-style-type: none">Investigative duties, the nature of which have the potential to cause exceptional or grave damage to the national security, such as counterintelligence investigations

Designation Level	National Security	
	Investigation Required	Form Required
Tier 3	SSBI	SF 86

Signature: Joyce M. Hayes Date: 4/16/2009

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